

May 5 2006

Attn: Alica Waters
Northwest Area Water Supply Project
Bureau of Reclamation
PO Box 1017
Bismarck ND 58502-1017

Dear Alica Waters,

I offer the following comments for your consideration and inclusion in the preparation of the Draft Environmental Impact Statement (DEIS) for the Northwest Area Water Supply Project:

1. I request that the scoping deadline be extended to provide reasonable time to participate in the scoping process. The public meeting held in Newtown on May 2, 2006 to meet with the public and announce the scoping process and solicit comments from the public was held just 2 days prior to the 60 day deadline of May 5, 2006. The May 5th deadline was the cut off point for public comments. The BOR, the lead federal agency for the preparation of the DEIS must follow the legal intent of the NEPA law and must provide enough notice so that public involvement is not impeded in this process. Title 40 Code of Federal Regulations (CFR) Part 1500.1 (b) states, "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken...Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA."
2. Because the NAWS water project studies and assessments were not available to review nor question at the May 2nd meeting, I request an extension to the May 5 deadline, so that the public can adequately review the documents that served as the basis for this project and can then respond with concerns based upon the data collected and used to formulate the project. According to the public works director of the city of Minot, the community assessments were compiled from the responses from the communities as to what they thought they needed for water usage, this approach to determining a quantified need for water does not reflect the actual usage of water of any given community nor the projected need based upon past use and future population growth nor actual population census figures nor the historical population trend of the affected population. The purported use was stated that the water project water will be used for "municipal, rural, and industrial use", but upon further discussion, the public works director and the teamleader of NAWS conceded that the water will not be used for industrial use because two existing aquifers will supply raw water for industrial use, so if the projected water need is not for industrial use why is it being labeled as such? Since industrial water usage will be provided for from local sources, then the projected 26 million gallons per minute from the proposed Missouri River system is not an accurate projection.

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REPLY: YES NO		
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		Rick
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3. Because the lead agency team leader of the Bureau of Reclamation stated at the May 2nd meeting that the BOR NAWs intends to use prior documents (of its legally challenged Environment Assessment and the issued FONSI) in the formulation of the court ordered DEIS, I request that a higher analysis is warranted to prepare the DEIS and I challenge the use of prior EA data that was formulated to meet the finding of a FONSI(Finding of No Significant Impact). I request to view a copy of the court order as this was not available to view on the May 2nd meeting. The extensive impact to the environment for which this project brings warrents a greater scope and more indepth analysis of all aspects of this project.
4. Because the issue of water conservation was not included nor required as a necessary factor in the projected water usuage of the NAWs water need, the claim for 26 million gallons of water per 24 hours targeted from the Missouri River does not reflect an actual need. Water conservation practices must be a requirement in this process.
5. Because the taking of water (26 million gallons per day) out of the Missouri River water system will negatively impact the sustainability of the eco-system of the river itself, an accurate scientific study must be completed to address the impacts of water depletion to a water system that is already under stress.
6. Because the lake level of the Missouri River is low and continues to be low, I request that a water study be conducted in the formulation of data for the preparation of the court ordered DEIS that will examine first the projected lake levels for the next century. The Missouri River relays upon the ice melt of the glaciers in Montana for its water flow, and it was recently reported in the national news that those glaciers have already melted at an astounding rated due to the climate change and global warming. How much water depletion can the Missouri River endure?
7. Because the Missouri River system is already providing water for existing water users who have water intakes established, what will the impacts be to those existing water intake systems and treatment systems in terms of the change in the levels of turbidity and micro- organisms?
8. Because the ancestors of the many tribal nations of this state and area were the first people to inhabit this land, now known as North Dakota, the determination of any site that impacts the environment must adhere to the requirements and law of the Native American Graves Protection and Repatriation Act. What laws were applied to meet the federal site requirements of the 15 miles of pipeline that has already been completed?
9. Because the NAWs project impacts existing water rights of the Mandan, Hidatsa, and Arikara Nation, the Executive Order 13175 requires consultation and coordination with Indian Tribal Governments, how was this requirement met in the formulation of this project?
10. Because the federal district court in Washington DC ruled that this project warranted a DEIS and that an EA and FONSI was not sufficient to address the extensive impacts which would result, I request that the scope be widened to examine the impacts this project will have upon the communities and tribal nations that have an established relation to the Missouri River system and that an analysis of all facets of the impacts be developed as a part of the DEIS.

11. Because the scope of the environmental impacts are more than just the type of water treatment systems at the intake of transporting that water, though important, I request that the BOR acknowledge that the scope is larger than just a discussion on intake system alternatives. I request that the BOR NAWs project invite and include the affected Tribal Governments in the re-formulation of this proposed project and restart this process and not merely attempt to pick up discussion where it left off before it was legally challenged. Because BOR NAWs has already started construction on the pipeline and intends to complete 30 miles of the pipeline, what bearing does this construction activity have on the findings of the DEIS and what other construction will BOR complete as the DEIS awaits completion?
12. How much of the existing water in the Missouri River system is quantified through the state and by whom and for what use?

Please add my name to the list of people requesting information on this project and where can I obtain the administrative record for this project. I reside next to the Missouri River and I am still waiting for the connection to treated water out of this system.

Sincerely,

A handwritten signature in cursive script that reads "Joletta Bird Bear".

Joletta Bird Bear
PO Box 474
Mandaree ND 58757